

339512



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 22, 1985

Re: Duane Marine Salvage Corp. Facility, 26 Washington
Street, Perth Amboy, New Jersey

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") has documented the release and threatened release of hazardous substances, pollutants, and contaminants at the Duane Marine Salvage Corp. facility, located at 26 Washington Street, Perth Amboy, New Jersey. The property upon which the subject facility is located is believed to be owned at present by Edward Lecarreux.

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601 et seq., and other laws, parties responsible for the release or threatened release of hazardous substances into the environment from an uncontrolled hazardous waste facility may be liable for all monies expended by the federal government to take necessary response actions at such facilities. Response actions may entail such activities as investigation, planning, removal, and remedial actions at these facilities. Responsible parties may also be held liable for any enforcement costs incurred by the government.

Under CERCLA, responsible parties include the current and past owners and operators of a facility as well as persons who generated the hazardous substances or who were involved in transport, treatment, or disposal of those substances at the facility.

EPA has information which indicates that your company is a responsible party within the intent of CERCLA. This information includes the records of Duane Marine, and New Jersey hazardous waste manifests that are now in the possession of EPA.

EPA has determined that an Immediate Removal Action, as defined in the National Contingency Plan, 40 C.F.R. Part 300, is necessary at the Duane Marine facility in order to prevent an immediate and significant risk of harm to human health and the environment, as defined at 40 C.F.R. §300.65(a). The Immediate Removal Action contemplated by EPA will include the removal of all containerized wastes from the Duane Marine facility and proper disposal of those wastes. Disposal of the wastes currently on the site at the Duane Marine facility will include the removal of the wastes to a secure landfill, incineration, or other appropriate disposal methods. Liquids shown to be compatible by analysis will be bulked and disposed of properly.

Obviously contaminated surficial soils at the Duane Marine facility will be removed for disposal. Subsurface soil samples will be collected for a determination of the extent of any remaining contamination.

Due to the human health threat posed by direct contact with the wastes at the facility, it is necessary to provide 24-hour security in order to prevent access by unauthorized persons. In addition, a secure perimeter fence must be constructed around the facility.

EPA has estimated that the total initial response action as summarized herein, if performed by the federal government, would cost approximately \$1,144,000.00 (ONE MILLION ONE HUNDRED AND FORTY-FOUR THOUSAND DOLLARS).

Prior administrative orders were issued under the authority of CERCLA to 33 responsible parties in connection with the Duane Marine site. Since December 13, 1984, those named parties have taken certain specified actions in compliance with the prior orders. A detailed work plan has been prepared, submitted to EPA, and modified by EPA pursuant to certain provisions of the two prior orders. The work detailed in the EPA-approved work plan is due to commence on March 25, 1985.

The enclosed Administrative Order has been issued to your company as a respondent pursuant to the authority of section 106 of CERCLA, 42 U.S.C. §9606(a). The Order requires your

company and the other responsible parties named to join with the parties named in the prior orders in performing the actions EPA has determined necessary to effectuate a proper immediate removal action at the Duane Marine facility. The Order also requires that either individually or through a representative, the named parties inform EPA of their intention to comply, or not to comply, and that they implement the required removal action.

If the responsible parties fail to commence and complete the removal action within the time period specified in the Order, then EPA will commence and complete the work, as circumstances may require, and will collect its total costs from the respondents. In addition, if you violate this Order, you may be liable for a civil penalty of up to \$5,000.00 per day, and for imposition of special punitive treble damages in an amount up to three times the cost of a federally funded response.

EPA anticipates a request by the responsible parties for a conference to discuss this Order. See paragraph 65 at pages 21 and 22 of the enclosed Order. Accordingly, we have reserved a time and place for a conference among all named parties. The conference will be held on Wednesday, April 3, beginning at 10 A.M., in Room 305E, 26 Federal Plaza, New York, New York. Federal Plaza is located at the corner of Broadway and Duane Street in downtown Manhattan. This meeting will fulfill the opportunity to confer which is provided in the order.

Should you have any questions concerning this matter, please contact either Janet Feldstein, Environmental Engineer, Site Investigation and Compliance Branch, Emergency and Remedial Response Division, EPA Region II, at (212) 264-8098, or Margaret Thompson, Law Clerk, Office of Regional Counsel, EPA Region II, at (212) 264-8067. I hope that you will give these matters your immediate attention.

Sincerely yours,

Douglas R. Blazey
Regional Counsel

Enclosures